

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

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|---------------------------|---|-------------------------------|
| United States of America, |) | |
| |) | |
| Plaintiff, |) | |
| vs. |) | Case No. 10-00162-15-CR-W-FJG |
| Mylin D. Smith, |) | |
| |) | |
| Defendant. |) | |

ORDER

Pending before the Court is the issue of defendant's mental competency. On February 22, 2011, defendant filed a motion to determine competency (Doc. #267) which was granted by Chief United States Magistrate Judge Robert E. Larsen (Doc. #268, February 22, 2011). Judge Larsen held a hearing regarding defendant's mental competency on May 5, 2011, at which time the parties stipulated to the forensic evaluation (Doc. #312, May 3, 2011) by Randall Rattan, Ph.D., ABPP.

Chief Magistrate Judge Larsen issued a report and recommendation (Doc. #324, May 9, 2011), finding defendant competent to stand trial and to assist in his defense. No objections to the report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant is competent to understand the nature and consequences of the proceedings against him and to properly assist in his own defense, and that he is competent to stand trial.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: 5/23/2011
Kansas City, Missouri